

Remarks

Applicant gratefully acknowledges acceptance of the amended Figure 3 and the corrected priority claim, as set forth in paragraphs 1 and 2 of the latest Advisory Action.

At paragraph 3 of the Advisory Action, Applicant's last amendment was not entered as the status of each claim was not identified. Applicant provides above each pending claim with its appropriate identifying information.

Lastly, the advisory action states that the declaration of Dr. Maria Grant is not sufficient to overcome the rejection of claims under 35 USC 102(a). Applicant respectfully traverses. Dr. Grant's Declaration states that she conceived of the invention as claimed prior to the publication date of the Grant et al. abstract. In past office actions for this application, the Patent Office rejected several independent claims as being anticipated by the Grant et al. abstract. As such, by definition, the abstract is in itself evidence that the invention as claimed was conceived of prior to the publication date the abstract. Dr. Grant is named as the first and primary author. Thus, Dr. Grant's statement that she conceived of the invention as claimed prior to the publication date of the abstract is reasonable and credible.

The Office action appears to raise the issue as to whether Dr. Grant conceived of the invention solely, or whether there were other inventors involved. This is the first time that the Patent Office has raised such a concern. Applicant is prepared to submit another Declaration to address such concerns, but believes that to be unnecessary since Dr. Grant's first declaration nonetheless addresses such issue. In the first Declaration, Dr. Grant states "I conceived of the invention..." In view of this statement that Dr. Grant conceived of the invention prior to the publication, and the fact that she is the first named author, Applicant submits that no reasonable basis exists to question whether Dr. Grant is the sole inventor.

Lastly, since the Grant et al. abstract was published in the United States, and the meeting to which the abstract pertains took place in the United States, and the abstract indicates Gainesville, FL as the location of Maria Grant, Applicant asserts that no issue exists as to whether the prior conception took place in the United States. However, as mentioned above, Dr. Grant is prepared to submit an additional declaration, which would further confirm and clarify that her prior conception took place in the United States.

In sum, Applicant asserts that the Dr. Grant's declaration satisfies the requirements of 37 CFR 1.131. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 USC 102(a) rejection.

All grounds for rejection or objection having been addressed and overcome herein, it is respectfully urged that this application is in condition for allowance. Applicants request that the Examiner call the undersigned if clarification is needed on any aspect of this Reply, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application.

Respectfully submitted,



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